

# **Transcript of the Testimony of Sage Pina**

**Date:** August 23, 2022

**Sage Pina vs. Shaman Botanicals**

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PLAINTIFF'S  
EXHIBIT

**1**

13

1 Q. In 2012 to 2014?  
 2 A. About that, yes.  
 3 Q. And then where did you go?  
 4 A. And then, I was actually recruited to Sephora's,  
 5 which is a competitor.  
 6 Q. I know that one too.  
 7 A. And I started in Providence, Rhode Island as  
 8 assistant store manager. And then I wanted to relocate  
 9 to somewhere closer to where I lived in Boston because  
 10 Providence was a little out of my way. So I took a  
 11 voluntary step down to take a store closer to my  
 12 residence, but I still worked for Sephora.  
 13 Q. When was that?  
 14 A. That was about 2015.  
 15 Q. Okay. So you worked with -- did you work for  
 16 Sephora all the way until you started with Shaman in  
 17 2019?  
 18 A. I did not.  
 19 Q. Okay. What year did you leave Sephora?  
 20 A. I left Sephora, I want to say, like, 2016.  
 21 Q. Okay.  
 22 A. Or 2017. Because I ended up getting recruited  
 23 again to work for a local owned gift shop in Boston  
 24 called Gifted.  
 25 Q. And what years did you work for Gifted?

15

1 Q. And was that in Boston?  
 2 A. That was Braintree as well.  
 3 Q. Okay. And did you resign, or were you  
 4 terminated from Ulta?  
 5 A. I resigned.  
 6 Q. Okay. And then Sephora, what town was that in?  
 7 A. Well, I started in Providence, Rhode Island and  
 8 then I moved to the Braintree location.  
 9 Q. Okay. And did you resign, or were you  
 10 terminated from Sephora?  
 11 A. I resigned.  
 12 Q. And then you went to Gifted; is that right?  
 13 A. Correct.  
 14 Q. You said that was in Boston?  
 15 A. Yes.  
 16 Q. And did you resign, or were you terminated from  
 17 Gifted?  
 18 A. I resigned.  
 19 Q. Okay. And then lastly, you went to Savers,  
 20 which was also in Boston, right?  
 21 A. Correct.  
 22 Q. And did you resign, or were you terminated from  
 23 there?  
 24 A. I resigned.  
 25 Q. Okay. And then you went straight from Savers to

14

1 A. Just a year. Sometime in between 2016 and 2017.  
 2 Q. Okay. And then where did you go?  
 3 A. And then I worked for a store called Savers.  
 4 It's a community donation distribution center.  
 5 Q. Okay. How long were you there?  
 6 A. I was there up until I became employed at  
 7 Shaman, so until 2018, 2018 or 2019.  
 8 Q. Okay. The Macy's you worked at, that was in  
 9 Boston?  
 10 A. A town called Braintree, Mass., which is a  
 11 suburb of Boston.  
 12 Q. Can you spell that for the court reporter,  
 13 please?  
 14 A. Of course. Brain, B-r-a-i-n; Tree, T-r-e-e.  
 15 Q. In that job, were you terminated, or did you  
 16 resign?  
 17 A. I believe I was terminated due to attendance.  
 18 Q. Could you describe the attendance-related issues  
 19 that led to your termination?  
 20 A. Yeah. They had a point system that didn't  
 21 really give any leeway to, you know, family emergencies  
 22 and things like that, and I just -- it ended up getting  
 23 me.  
 24 Q. Okay. And then from Macy's you went to Ulta?  
 25 A. Correct.

16

1 CBD American Shaman in Boston?  
 2 A. Yes.  
 3 Q. Do you happen to remember the address of that  
 4 Shaman location in Boston?  
 5 A. It was on Newbury Street. I could be wrong, but  
 6 2727 Newbury Street rings a bell.  
 7 Q. Okay. And what was your position with CBD  
 8 American Shaman in Boston?  
 9 A. I was a full-time manager. I was never given  
 10 the title of store manager, but I did all of the duties.  
 11 I was there 95 percent of the time alone handling all of  
 12 the daily operations and sales.  
 13 Q. Did you have a supervisor there?  
 14 A. I did.  
 15 Q. Who was that?  
 16 A. His name is Nathan Jodat.  
 17 Q. Spell that last name for the court reporter,  
 18 please.  
 19 A. J-o-d-a-t.  
 20 Q. Are you still in communication with Mr. Jodat?  
 21 A. I am not.  
 22 Q. Okay. Do you recall the names of any of your  
 23 co-workers at CBD American Shaman in Boston?  
 24 A. We had part-timer named Luke. I don't recall  
 25 his last name.

17

1 Q. Part-time Luke, you say?  
 2 A. Yes. His name is Luke.  
 3 Q. Okay.  
 4 A. And then, we did briefly hire another part-timer  
 5 named Na Taina.  
 6 Q. Do you want to try to spell that for the court  
 7 reporter?  
 8 A. Yeah. It's N-a —  
 9 Q. Uh-huh.  
 10 A. — and then, T-a-i-n-a. Na Taina.  
 11 Q. Okay. Anyone else?  
 12 A. There was another girl I worked with. I feel  
 13 bad, I can't remember her name either. She was nice. I  
 14 can't recall her name.  
 15 Q. Are you still in communication with any of the  
 16 part-time co-workers from CBD American Shaman in Boston?  
 17 A. I am not.  
 18 Q. Tell me about the circumstances of you leaving  
 19 CBD American Shaman in Boston and coming to work for  
 20 American Shaman Franchise system in Kansas City.  
 21 A. I was really looking to grow the company however  
 22 I could. And I don't remember how it came across, the  
 23 position opening. I was on the website often, so I think  
 24 I might have seen it either there or -- I think maybe it  
 25 was on Indeed, actually.

19

1 M-a-n-c-i-l-l-a-s, I think.  
 2 A. I think so, yeah.  
 3 Q. And what did you understand Mr. Mancillas'  
 4 position to be with the company when you were  
 5 interviewing?  
 6 A. He was an HR representative.  
 7 Q. And what about Mr. Mackey?  
 8 A. He was the director of marketing.  
 9 Q. What was the position that you were applying  
 10 for?  
 11 A. The position was a social media coordinator.  
 12 Q. Prior to accepting that position with Shaman  
 13 Franchise, did you have any experience with social media?  
 14 A. Yeah. I've been in social media and did all the  
 15 graphic design at the Boston location, including the  
 16 digital printouts and things like that that we used for  
 17 in-store.  
 18 Q. Okay. Do you recall when you were offered the  
 19 position with Shaman Franchise?  
 20 A. Sometime around November 2019, I finally got the  
 21 offer. It was a long process. It took about three  
 22 months for them to make a decision, because I did have  
 23 certain things that I wanted, demands, I guess you could  
 24 say.  
 25 Q. Can you tell us more what your demands were?

18

1 And it was particularly intriguing because I'm  
 2 from the midwest and I loved the company I worked for.  
 3 So I thought it would be a great opportunity for me to  
 4 move closer to home, while also maintaining employment at  
 5 the company that I loved.  
 6 Q. Do you remember if you submitted, like, a  
 7 subsequent application to go work for Shaman Franchise?  
 8 A. I immediately contacted -- I want to say I  
 9 submitted an Indeed application, and then I was going to  
 10 be in Kansas City for a funeral, actually. And I  
 11 contacted, I don't know if it was Luke, or -- I think it  
 12 was Luke and Joel to set up an interview.  
 13 You know, I said, "Hey, I work for the Boston  
 14 location. I'm going to be in Kansas City at this time,  
 15 and it would be a great opportunity for me to come and  
 16 meet you guys." So I capitalized my trip home by going  
 17 out of my way to set up a meeting for them to interview  
 18 me.  
 19 Q. Do you recall who you were interviewed by?  
 20 A. Yes. I was interviewed by Joel Mackey, and Luke  
 21 might have been in the room too. I definitely know Joel  
 22 was there.  
 23 Q. Are you referring to Luke Mancillas, I presume?  
 24 A. Yes.  
 25 Q. And I think his last name is spelled,

20

1 A. Of course. I requested a title change to a  
 2 creative training and development coordinator, which is  
 3 actually a position that I created with job duties and  
 4 everything, only because I knew that I would be doing a  
 5 lot more than just social media management. So I wanted  
 6 to tie that into my salary request and my title to add  
 7 value to my position.  
 8 Q. What kind of value were you trying to add?  
 9 A. It was -- you know, they're still in the  
 10 beginning stages. So I -- with all my sales experience,  
 11 I thought I could contribute, you know, a good sales  
 12 model, and just being more of a liaison for the  
 13 franchisees outside of just social media, but for  
 14 internal communications and sales training and things  
 15 like that.  
 16 Q. So you think -- I'm going to leave the screen  
 17 real quick, but I'll ask you this question before I go.  
 18 So you think you applied in August of 2019?  
 19 A. September, October, November. Maybe -- yeah.  
 20 August, September, that sounds about right.  
 21 Q. Okay. And you said you were offered the job in  
 22 November of 2019?  
 23 A. Correct.  
 24 Q. Did you have any other demands besides, I guess,  
 25 retitling your job?

21

1 A. An increase in the starting salary.  
 2 Q. Okay.  
 3 A. I did also request for relocation assistance and  
 4 was denied.  
 5 Q. Do you remember what salary you requested?  
 6 A. I want to say somewhere between 45 and 50,000.  
 7 Q. Did they match your salary demands?  
 8 A. We went back and forth a couple times and we  
 9 were able to, kind of, meet in a happy medium. It wasn't  
 10 exactly what I wanted, but we were going to revisit after  
 11 90 days.  
 12 Q. Did you understand that when you accepted the  
 13 position with Shaman Franchise that you were on a  
 14 probationary period?  
 15 A. No.  
 16 Q. When you say, "revisit in 90 days," did you  
 17 understand the 90 days to be associated with a  
 18 probationary period?  
 19 A. Yeah. I guess more --  
 20 THE REPORTER: I'm sorry. Can you repeat  
 21 what you said?  
 22 Q. (BY MR. PORTO) Go ahead. Go ahead, Ms. Pina.  
 23 A. Yes.  
 24 Q. What was your understanding of what the terms of  
 25 the probationary period were?

22

1 A. Work as hard as I can to prove myself so that  
 2 they would give me more money.  
 3 Q. Did you understand that at the end of the  
 4 probationary period a decision might be made about  
 5 whether or not you might be a good fit for the company?  
 6 A. Yeah.  
 7 Q. Do you recall the first date you started with  
 8 Shaman Franchise?  
 9 A. I do.  
 10 Q. What was the date you started with Shaman  
 11 Franchise?  
 12 A. I don't recall the exact date. I just  
 13 remember -- I remember the day, as far as, you know, I  
 14 went to -- where I went and meeting everybody and getting  
 15 excited about that.  
 16 Q. Do you remember if it was within the calendar  
 17 year 2020?  
 18 A. Very, very close to. Yes, it was. Yes, it was.  
 19 Q. And then you left Shaman Franchise on  
 20 February 18th, 2020; is that right?  
 21 A. Correct.  
 22 Q. So your tenure for Shaman Franchise was less  
 23 than 90 days; is that correct?  
 24 A. I'm under the impression the corporate  
 25 location -- the store I worked for in Boston was a

23

1 corporate location. So my time in Kansas City was less  
 2 than 90 days, yes, but my time with the company was not.  
 3 Q. You're not alleging that you were employed by  
 4 Shaman Franchise prior to January 2020; is that correct?  
 5 A. I am not sure on what "corporate location"  
 6 means. But it's -- I'm under the impression that it's  
 7 owned by the Franchise system and American Shaman.  
 8 Q. You're under the impression that the store you  
 9 worked for in Boston was owned by American Shaman  
 10 Franchise?  
 11 A. Yeah. It was considered a corporate location.  
 12 Q. Well, you're familiar with, kind of, the general  
 13 landscape of American Shaman, it sounds like. So you  
 14 understand there's a difference between stores that are  
 15 owned by the corporation themselves, and then stores that  
 16 are owned by franchises, right?  
 17 A. Correct.  
 18 Q. And the store you worked for in Boston was not  
 19 owned by a franchise, right?  
 20 A. It wasn't owned by Nathan Jodat.  
 21 Q. Okay.  
 22 A. He was considered the store manager, and he  
 23 always expressed to me it was a corporate location. And  
 24 even when I got to the Franchise System, I was able to  
 25 see which stores were corporate locations, and Boston was

24

1 always in that column, along with the others.  
 2 Q. Do you remember the name of the entity that  
 3 issued your paychecks when you were in Boston?  
 4 A. I can't recall.  
 5 Q. Was it CBD American Shaman?  
 6 A. I can't recall.  
 7 Q. Do you remember, when you started for Shaman  
 8 Franchise in January 2020, if the entity that paid your  
 9 paychecks was a different entity?  
 10 A. I can't recall. I got paperless, so I never  
 11 looked at actual checks.  
 12 Q. Okay. You stated earlier that you understood  
 13 that when you started with Shaman Franchise in January of  
 14 2020, you were under a 90-day probationary period, right?  
 15 A. In terms of my potential raise, whether I would  
 16 get a raise or not.  
 17 Q. You also testified earlier that at the end of  
 18 your probationary period, there might be a decision made  
 19 whether or not you were a good fit for the company. Do  
 20 you remember testifying to that a few minutes ago?  
 21 A. Yes.  
 22 Q. So it had more to do than just your raise,  
 23 didn't it?  
 24 A. Can you repeat that?  
 25 Q. The probationary period had more to do than just

25

1 whether or not you were entitled to a raise. You were a  
 2 probationary employee, at which point a decision might be  
 3 made about whether or not you were a good fit for the  
 4 company, correct?

5     A. Correct.

6     Q. Do you recall signing an employment handbook  
 7 when you started at Shaman Franchise?

8     A. Yes.

9     Q. Would you agree with me that the parties to that  
 10 handbook are yourself and American Shaman Franchise  
 11 System, Inc.?

12     A. Sorry?

13     Q. Would you agree with me the parties to that  
 14 employment handbook are yourself and American Shaman  
 15 Franchise, Inc.?

16     A. I'm under the impression that it would be all  
 17 Shaman entities. I wasn't aware that there was a  
 18 different handbook for the different separate locations.

19     Q. Okay. Let's see. You're going to push my  
 20 technical capabilities here to share a screen in Zoom.

21 Everyone bear with me.

22         MR. PORTO: Shaun, did that work?

23         MR. STALLWORTH: It did.

24         MR. PORTO: You're not looking -- like, a  
 25 picture of my bank account or something like that?

27

1 2020?

2     A. Yes.

3     Q. And then, you see here in the Acknowledgment  
 4 Form, if you just look at the top, it references American  
 5 Shaman Franchise System, Inc. Do you see that there?

6     A. I do.

7     Q. Is that who you understood you were employed by  
 8 in January of 2020?

9     A. Yes. But I was asked to sign it at the American  
 10 Franchise warehouse location by Luke, who is not employed  
 11 by American Franchise System, Inc., to my knowledge.

12     Q. Okay. And if you go to the top of the handbook,  
 13 first page under, Welcome, says "Congratulations on  
 14 becoming a part of the American Shaman Franchise System  
 15 team."

16     A. Yes.

17     Q. Same question. You understand that you were  
 18 employed by American Shaman Franchise System?

19     A. I did, but I was given it at the other location  
 20 by an employee --

21     Q. Okay.

22     A. -- not employed by American Shaman Franchise  
 23 Systems, Inc. So to my knowledge they were one entity.

24     Q. You've added Shaman Botanicals, LLC as a party  
 25 to this lawsuit; is that correct?

26

1 You're looking at --

2         MR. STALLWORTH: No, no, no. You know,  
 3 I'd be taking screenshots right now on my phone, and my  
 4 hands are in the picture, you know, so.

5             (Exhibit 1 was marked for identification.)

6         Q. (BY MR. PORTO) All right. Ms. Pina, I'm going  
 7 to hand you what we'll mark as Exhibit 1. Do you see  
 8 that there in your screen?

9     A. I do.

10      Q. I'm going to scroll down here with you. Maybe  
 11 I'll scroll up first then I'll scroll down.

12      So this is a document that's entitled,  
 13 Employment Handbook January 2019. Do you see that there?

14     A. Yes.

15     Q. Okay. I'm going to scroll to the bottom -- I'll  
 16 just, kind of, scroll through this. You don't have a  
 17 copy of this there with you, do you, Ms. Pina?

18     A. I do not. But I do have -- I have it somewhere  
 19 in my e-mails.

20     Q. This is a document that we produced in this  
 21 lawsuit. I'm just going to scroll through here to the  
 22 end. I'm almost there. Hang on. Is that your signature  
 23 on the page marked DEF0035?

24     A. Yes.

25     Q. And it appears you signed this on January 2nd,

28

1     A. Yes.

2     Q. Do you believe you were ever employed by Shaman  
 3 Botanicals, LLC?

4     A. Yes.

5     Q. How do you believe that you were employed by  
 6 Shaman Botanicals, LLC?

7     A. I spent a lot of my days while I was employed  
 8 for them going back and forth between both locations,  
 9 being involved in meetings with employees from the  
 10 other -- the ware- -- the warehouse we'll call it, to  
 11 create a bridge of communication between the two.  
 12 Therefore, I, a hundred percent, felt like I was a part  
 13 of that team as well.

14     Q. I don't deny -- I mean, you're stating there was  
 15 some interaction between American Shaman Franchise System  
 16 and Shaman Botanicals, and I don't -- I don't deny that.  
 17 Is that what you're suggesting?

18     A. Yes.

19     Q. But you never -- you never filled out an  
 20 employment application with Shaman Botanicals, LLC, as  
 21 far as you recall?

22     A. I had an interview with the director of  
 23 marketing.

24     Q. That wasn't my question. Did you ever fill out  
 25 an employment application with Shaman Botanicals, LLC?

29

1 A. Not that I recall. And I don't recall filling  
 2 out an actual employment application for the Franchise  
 3 Systems either.

4 Q. Well, you said you applied through Indeed,  
 5 right?

6 A. Okay. I guess that technically is, yeah.

7 Q. You never received any compensation from Shaman  
 8 Botanicals, LLC?

9 A. Not that I can recall.

10 Q. Okay. When you're -- and you stated earlier  
 11 that you were previously employed by CBD American Shaman,  
 12 which is a third entity in Boston. CBD American Shaman  
 13 is not a party to this lawsuit; is that correct?

14 A. Can you repeat that? I'm sorry.

15 Q. You stated earlier that you were previously  
 16 employed by CBD American Shaman in Boston, right?

17 A. Correct.

18 Q. The only two parties to the lawsuit you filed  
 19 are Shaman Botanicals, LLC and American Shaman Franchise  
 20 Systems, Inc.; is that correct?

21 A. Correct.

22 Q. You've not added an entity called CBD American  
 23 Shaman to this lawsuit; is that correct?

24 A. Correct. I would assume that the Boston  
 25 location being a corporate location, being owned by

30

1 American Franchise Systems, Inc., would include that in  
 2 the American Franchise System, Inc.

3 Q. You don't -- I mean, just to be clear. You  
 4 don't know who owns the Boston location, correct? Have  
 5 you ever seen any ownership documents suggesting who owns  
 6 that store?

7 A. I am going off of the system, the computer  
 8 system, that we used to, kind of, knock out the stores,  
 9 where that one was in the column that was with all of the  
 10 other corporate locations. Boston was considered a  
 11 corporate location as far as our software went when  
 12 describing stores.

13 Q. You're not alleging that you were discriminated  
 14 against when you were working in Boston? That's my  
 15 question.

16 A. Correct.

17 Q. Okay. You're not alleging any bad acts,  
 18 discriminatory behavior, retaliatory behavior happened to  
 19 your prior to 2020 when you were employed in Boston; is  
 20 that right?

21 A. Correct.

22 Q. Okay. And you have never seen any corporate  
 23 paperwork identifying who owns the Boston location; is  
 24 that correct?

25 A. Not a person, but the American Franchise

31

1 Systems, Inc. I was under the impression owned it based  
 2 on the system that said it did when it would separate  
 3 franchisees and corporate locations.

4 Q. Are you denying that your employers changed when  
 5 you moved from Boston to Kansas City in 2020?

6 MR. STALLWORTH: Objection. Vague. You  
 7 can answer if you understand it.

8 A. I don't understand.

9 Q. (BY MR. PORTO) Do you understand that your  
 10 employers changed when you moved from Boston to  
 11 Kansas City?

12 A. Could you repeat the question?

13 Q. Do you understand that your employers changed  
 14 when you moved from Boston to Kansas City in 2020?

15 A. I don't know.

16 Q. Why would you fill out a new application if your  
 17 employers didn't change?

18 A. Because it was an elevated position in a  
 19 different location.

20 Q. Did you fill out any other new hire-type  
 21 paperwork? Do you remember doing any of that?

22 A. Maybe when I signed the handbook, you know, the  
 23 updated emergency lists and things like that.

24 Q. Why would you have been placed on a 90-day  
 25 probationary period if your employer did not change?

32

1 A. I don't know.

2 Q. Tell me more about your demands for relocation  
 3 expenses.

4 A. I just asked them, you know, if they might be  
 5 generous enough to help with my relocating halfway across  
 6 the country, you know, moving my entire life halfway  
 7 across the country alone without, you know, a savings  
 8 where I could afford a place.

9 Q. Who did you ask that to?

10 A. There was an e-mail thread that I want to say  
 11 was going between Luke, Joel and Marc Sayler and myself  
 12 in regards to all of these.

13 Q. Do you still have a copy of that e-mail thread?

14 A. I do.

15 Q. Okay. And what did you ask for?

16 A. I can't recall the exact number, but it was just  
 17 something in the form of money to help me relocate my  
 18 lifestyle from Boston to Kansas City.

19 Q. Did you ever receive any kind of remuneration  
 20 for your moving expenses?

21 A. Sorry. Repeat that.

22 Q. Did you ever receive any kind of remuneration  
 23 for your moving expenses?

24 A. I did not.

25 Q. You testified earlier that before you left

37

1 Mr. Zicarelli?

2 A. No.

3 Q. You understand you filed a lawsuit against

4 Shaman Botanicals and American Shaman Franchise System,

5 Inc.?

6 A. Yes.

7 Q. And in your lawsuit you are alleging that you

8 were discriminated and retaliated against by those two

9 entities; is that correct?

10 A. Yes.

11 Q. Can you tell me, in your own words, why you

12 believe that you were discriminated against or retaliated

13 against?

14 A. I brought to HR's attention instances of

15 employees being racially discriminated against, and I

16 felt my -- I felt they were very dismissive to those

17 complaints.

18 During my time there, I witnessed other white

19 employees breaking the rules without consequence,

20 individuals breaching the company handbook and not being

21 retaliated against or treated like I was.

22 Q. It appears to me that you started with Shaman

23 Franchise on January 2nd, 2020, that's the date you

24 signed the handbook, and you left Shaman Franchise on

25 February the 18th; is that correct?

38

1 A. Yes.

2 Q. So you were there for about, give or take, 46

3 days. Does that sound about right?

4 A. Yes.

5 Q. You testified earlier that in that 46-day

6 period, you made various complaints regarding, I guess,

7 the treatment of other co-workers; is that right?

8 A. Correct.

9 Q. If you could, I would like to go through these

10 complaints with you and understand a little bit more

11 about each of them. Okay?

12 A. Okay.

13 Q. Tell me the circumstances regarding the first

14 complaint you made.

15 A. I believe it was -- I could get them all mixed

16 up. It's been a long time. But Thomas Miles told me he

17 was being racially discriminated against and he didn't

18 feel safe going and making formal complaints. Now I

19 realize it's because Missouri is an at-will employer and

20 he was afraid of maybe losing his job.

21 But because I was -- I was going over to the

22 warehouse very often where HR is housed, I made it a

23 point to bring it up to Luke about Thomas's complaints.

24 He said he was getting, you know, racist memes sent to

25 him from his direct supervisor that made him feel

39

1 uncomfortable. And so that was one.

2 Q. So let's stop there for a second.

3 A. Okay.

4 Q. Who did you make this complaint to?

5 A. Luke, the HR representative.

6 Q. Okay. And was that complaint made in an e-mail

7 or in person?

8 A. It was in person.

9 Q. In Paragraph 17 of your complaint, you say

10 Mr. Mancillas acknowledged this complaint, but did not

11 indicate any further action; is that correct?

12 A. Correct.

13 Q. Is it possible that this complaint could have

14 been investigated and you didn't know about it?

15 A. I don't know.

16 Q. You don't know everything that happens in a

17 company, right?

18 A. He basically told me that they weren't doing

19 anything about it. So I just knew -- I knew based on

20 what he was telling me.

21 Q. When did Mr. Mancillas tell you that?

22 A. He just always, kind of, said -- like, "I'm

23 trying." Like, "I'm" -- you know. He always seemed very

24 much on my side and sympathized with me that more action

25 could be taken and it wasn't being taken. So not those

40

1 words exactly, but --

2 Q. Is it possible that Mr. Miles' complaint was

3 investigated without your knowledge?

4 A. I don't know.

5 Q. You don't know if it's possible?

6 A. I suppose it's possible.

7 Q. Okay. We'll call that complaint No. 1, is

8 Thomas Miles. Was there any other complaints that you

9 recall?

10 A. Juanita Thedford felt like she was being

11 racially discriminated against in regards to her pay due

12 to her duties. Abraham Torres felt like --

13 Q. Hold on. Before you move to Mr. Torres, let's

14 talk more about --

15 A. Uh-huh.

16 Q. -- Ms. Thedford. What was the nature of

17 Ms. Thedford's complaints.

18 A. She -- hers were pay wage discrimination due to

19 her race.

20 Q. Okay.

21 A. I'm unsure what happened on that.

22 Q. Hold on. You're kind of getting whompy there.

23 A. Sorry.

24 Q. Say that again.

25 A. It was a pay wage discrimination due to

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1 racial -- due to her race, and I'm unsure what brought  
 2 her to that, if it was, you know, she saw somebody else,  
 3 what they were making in comparison to her pay rate.

4 Q. What was Ms. Thedford's position?

5 A. She was -- I don't know --

6 Q. I have some feedback, and I don't know if my  
 7 question came through.

8 My question was, what was Ms. Thedford's  
 9 position with the company?

10 A. I can't recall the exact title, but it seems  
 11 like she did graphic design, things of that nature.

12 Q. Do you know if she was paid on a commission or a  
 13 salary?

14 A. I do not.

15 Q. What about Mr. Torres -- or excuse me,  
 16 Mr. Miles, what was his position with the company?

17 A. He was a business representative, I want to say.  
 18 He helped, like, the franchisees, like the future  
 19 franchisees find locations and build out their stores and  
 20 get them settled with their new locations.

21 Q. Do you know if he was paid a commission or a  
 22 salary?

23 A. That I am unsure of.

24 Q. Okay. You were then testifying about what we'll  
 25 call Complaint No. 3, and you were getting ready to say

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1 something about Abram Torres; is that right?

2 A. Uh-huh.

3 Q. Tell us about that complaint.

4 A. That was after he came into the office on  
 5 Main Street and asked me and a couple other employees,  
 6 I'm not exactly sure which ones, that if we would be  
 7 willing to sign a complaint to the Department of Labor on  
 8 his behalf if he was to draw one up due to racial  
 9 discrimination and equal pay, which I agreed that I  
 10 would. I immediately told Luke what Abraham was  
 11 intending to do.

12 Q. Do you know what the nature of the complaint  
 13 that Mr. Torres asked you to sign on his behalf was?

14 A. He felt he was being racially discriminated  
 15 against, and there were funds, apparently, that he  
 16 couldn't account for that he had paperwork for.

17 Q. And did you investigate Mr. Torres' complaints  
 18 personally?

19 A. I didn't. I just brought these issues to HR for  
 20 their -- who I believed were and should have been,  
 21 responsible for handling -- handling any of the negative  
 22 employee issues.

23 Q. You state in your complaint, you just testified,  
 24 that you agreed to sign something on his behalf, right?

25 A. Yeah. It's -- to my knowledge, it's basically

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1 just like having his back. You know what I mean? Like  
 2 being there for him. Being a corporate representative as  
 3 I was, I didn't want to pull -- or pour fuel on the fire  
 4 and deny it, so I agreed to. And then immediately  
 5 brought it to HR hoping that they would solve it -- solve  
 6 the -- solve the issue.

7 Q. Did you ever witness Mr. Torres being  
 8 discriminated against?

9 MR. STALLWORTH: Objection. Vague, also  
 10 calls for legal conclusion.

11 Q. (BY MR. PORTO) Okay. What were you sign -- I  
 12 don't understand what you were signing. Were you signing  
 13 as a witness to some sort of unlawful act, in your  
 14 opinion?

15 MR. STALLWORTH: Objection. Misstates  
 16 Plaintiff's testimony as to whether she signed something  
 17 versus whether, as she stated, she agreed to sign.

18 MR. PORTO: Well, okay. That's fair.

19 Q. (BY MR. PORTO) You never signed anything,  
 20 right?

21 A. Correct.

22 Q. What were -- what were you being asked to sign?

23 I don't understand.

24 A. To my knowledge, Mr. Torres wanted an

25 investigation on American Franchise Systems through the

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1 Department of Labor after feeling he was being racially  
 2 discriminated against. And with my experience, I --

3 Q. Okay. Go ahead. I'm sorry.

4 A. With the experience I had thus far with  
 5 Mr. Miles, as in seeing actual racist memes being sent to  
 6 him and his uncomfortability (sic), I felt confident  
 7 that -- I felt confident in supporting his claims.

8 Q. Did you ever witness Mr. Torres being  
 9 discriminated against?

10 MR. STALLWORTH: Objection. Calls for a  
 11 legal conclusion. You can answer.

12 Q. (BY MR. PORTO) Go ahead.

13 A. I don't know.

14 Q. You don't know if you ever witnessed him being  
 15 discriminated against?

16 A. I know what he told me about, you know, being  
 17 treated unfairly, and then with, like, having issues with  
 18 his pay and commission, and other issues in regards to  
 19 that like paperwork just being done incorrectly. I  
 20 didn't fully or truly understand the nature of it because  
 21 I wasn't in his position, so I couldn't see it how he saw  
 22 it.

23 But if an employee tells me that they're being  
 24 racially discriminated against, and then another one  
 25 follows up with that, more than one, I'm going to take it

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1 seriously.

2 Q. Understood. But you just said you didn't  
3 understand what Mr. Torres was complaining about, right?

4 A. Well, he wanted an investigation by the  
5 U.S. Department of Labor because he felt he was being  
6 discriminated against and they were by race and by pay  
7 wage issues.

8 Q. You know -- you know what discrimination means,  
9 right?

10 A. Yes.

11 Q. Okay. Did you feel that Mr. Torres was being  
12 discriminated against?

13 A. Yes.

14 MR. STALLWORTH: Objection. Speculation  
15 and calls for a conclusion.

16 Q. (BY MR. PORTO) Why did you feel Mr. Torres was  
17 being discriminated against? Tell me some examples of  
18 discriminatory behavior that you observed Mr. Torres was  
19 being subject to.

20 MR. STALLWORTH: Same objection. You can  
21 answer, if you know.

22 A. I'm not -- I'm not sure.

23 Q. (BY MR. PORTO) I just asked you if you felt  
24 Mr. Torres was being discriminated against and your  
25 answer was, "Yes," correct?

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1 A. Correct, because he told me he was.

2 Q. Okay. I'm going to ask you another question.  
3 Your answer's, "Correct?"

4 A. Yes, I did say that.

5 Q. Okay. And now I'm asking you to explain why you  
6 believe Mr. Torres was being discriminated against.

7 A. Because he seemed to think that he was getting  
8 loss of wages and not fair compensation, and had  
9 paperwork -- and like I stated before, I didn't really  
10 understand the in's and out's of how all that worked.  
11 But he said he had paperwork, and then he just came in  
12 the next day with -- asking everybody if they would sign  
13 it. Basically, if they would agree to his claims.

14 Q. Okay. So let me make this clear. I understand  
15 that Mr. Torres believed that he was being discriminated  
16 against. Okay? Are we on the same page?

17 A. Yes.

18 Q. My question is, do you, Ms. Pina, believe that  
19 Mr. Torres was being discriminated against?

20 A. Yes.

21 MR. STALLWORTH: Objection. Asked and  
22 answered --

23 Q. (BY MR. PORTO) I don't think it --

24 MR. STALLWORTH: -- and calls for legal  
25 conclusion. Go ahead.

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1 Q. (BY MR. PORTO) So I would like you to provide  
2 me some examples of discriminatory behavior that you  
3 personally observed Mr. Torres being subjected to.

4 MR. STALLWORTH: Objection. Asked and  
5 answered, calls for a legal conclusion.

6 Q. (BY MR. PORTO) Go ahead and answer.  
7 A. I'm unsure.

8 Q. Did you ever observe Mr. Torres being harassed  
9 because of his ethnicity?

10 MR. STALLWORTH: Objection. Calls for  
11 legal conclusion. You can answer --

12 A. I'm unsure.

13 MR. STALLWORTH: -- if you know.

14 Q. (BY MR. PORTO) You're unsure of whether or not  
15 you observed that?

16 A. Correct.

17 Q. Did you ever independently investigate how  
18 Mr. Torres was paid?

19 A. I did not. I immediately let HR know, hoping  
20 that they would handle all of the negative-related  
21 employee issues.

22 Q. I understand that. But I -- you stated that you  
23 believed that Mr. Torres was being discriminated against,  
24 correct?

25 A. Correct.

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1 Q. And as you sit here, you're not able to offer a  
2 single instance of discriminatory behavior that  
3 Mr. Torres was subject to; is that correct?

4 MR. STALLWORTH: Objection. Objection.  
5 Argumentative, also misstates Plaintiff's testimony as to  
6 why she believed that his complaints were valid based  
7 upon her other experiences.

8 A. He sat next to me. Our desks were right next to  
9 each other. So whenever he would be disgruntled or upset  
10 about these issues, you know, he would express those --  
11 those issues, and they seemed to be often. And he -- so  
12 it's been so long, like, I can't remember exact details,  
13 but it was enough -- more than once that led me to that  
14 conclusion.

15 Q. (BY MR. PORTO) Did you ever observe another  
16 employee discriminate against Mr. Torres?

17 A. I'm unsure. It's been so long.

18 Q. Do you believe that Juanita Thedford was being  
19 discriminated against?

20 MR. STALLWORTH: Objection. Calls for a  
21 legal conclusion. You can answer.

22 A. I'm unsure.

23 Q. (BY MR. PORTO) You're unsure whether or not you  
24 believe she was being discriminated against?

25 A. I believe she was because she said that she was.

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1 And while there were other white employees there allowed  
 2 to break the rules without consequence, that's why I  
 3 decided to help her in trying to bridge a gap between her  
 4 and HR so that they can get these issues resolved.

5 Q. Did you ever observe another employee treat  
 6 Ms. Thedford in a discriminatory manner?

7 A. Not that I can recall.

8 Q. Other than Mr. Miles, Ms. Thedford and  
 9 Mr. Torres, did you ever complain regarding any other  
 10 employees?

11 A. I -- complained? No.

12 Q. Did you know Mr. Miles before you started at  
 13 Shaman Franchise?

14 A. No.

15 Q. Did you know Ms. Thedford before you started at  
 16 Shaman Franchise?

17 A. I didn't know anybody. I'd only met the CEO  
 18 once.

19 Q. Did you know Mr. Torres?

20 A. No.

21 Q. When's the last time you talked to Mr. Miles?

22 A. I can't recall. It's been a while.

23 Q. Since you left Shaman Franchise, have you spoke  
 24 to Mr. Miles?

25 A. Yes.

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1 Q. What about Ms. Thedford?

2 A. No.

3 Q. What about Mr. Torres?

4 A. Yes.

5 Q. When's the last time you spoke with Mr. Torres?

6 A. I can't be too sure of the exact date.

7 Q. What did you speak to him about?

8 A. He was actually expressing interest in my media  
 9 company, helping out a friend of his with some digital  
 10 marketing.

11 Q. When you complained, you talk about a  
 12 February 10th, 2020 meeting where you expressed  
 13 discrimination concerns by your peers. Do you recall  
 14 that meeting?

15 A. I do.

16 Q. Tell us about that meeting.

17 A. Is that the meeting where it involved all of my  
 18 peers?

19 Q. You say, "On February 10th, 2020 there was a  
 20 meeting wherein Plaintiff discussed discrimination  
 21 concerns by her peers."

22 MR. STALLWORTH: Nick, I think, just as an  
 23 interjection real quick. Sage may have printed off the  
 24 Petition. Did you print that off, Sage?

25 A. Yeah.

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1 Q. (BY MR. PORTO) Well, what version of the  
 2 Petition do you have? Is it the one that's called Second  
 3 Amended Complaint?

4 A. Where would it say that?

5 Q. First page. What does your first page say?

6 A. I don't know if this is -- Second -- oh, yeah,  
 7 Second Amended Complaint, yes.

8 Q. Yeah. And that's a fair point. I'm not trying  
 9 to trick you. I just want to know what you're talking  
 10 about. So go to Page 3, Paragraph 24.

11 A. Okay. Yes. Can you, please, repeat the  
 12 question?

13 Q. Sure. Paragraph 24 says, "On February 10th,  
 14 2020 there was a meeting with staff wherein Plaintiff  
 15 discussed discrimination concerns by her peers, (Thomas  
 16 Miles, Olivia O'Dell, Abraham Torres, Juanita, Skye), to  
 17 Mr. Mancillas and his boss, Leigh (last name known)."

18 Did I read that correctly?

19 A. Correct.

20 Q. So we already covered Thomas Miles,  
 21 Abraham Torres, presuming Juanita means Juanita Thedford,  
 22 correct?

23 A. Uh-huh.

24 Q. Were you aware that Olivia O'Dell had any  
 25 concerns?

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1 A. I was, but I -- the meet -- the purpose of the  
 2 meeting was so that they could express their concerns to  
 3 HR themselves instead of me being the one to bring it up.  
 4 So I got the meeting together. And that's when  
 5 I allowed them to express all of their concerns, in which  
 6 they did.

7 Q. Okay. I have a couple questions regarding that.  
 8 The first question is, you stated that you were aware of  
 9 discrimination concerns made by Olivia O'Dell; is that  
 10 right?

11 A. In the meeting?

12 Q. I'm just looking at your Paragraph 24 where you  
 13 say, "Plaintiff discussed discrimination concerns by her  
 14 peers." Thomas Miles, we've already talked about, right?

15 A. Yes.

16 Q. Abraham Torres, we've already talked about,  
 17 correct?

18 A. Correct.

19 Q. Juanita, I presume is Juanita Thedford, and  
 20 we've already talked about her. My question is, what  
 21 discrimination concerns did Olivia O'Dell have?

22 A. She just expressed being treated differently  
 23 because of her race. But she was able to then express  
 24 them to HR herself, which she did. So I never  
 25 expressed -- I never -- they were all in the meeting. I

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1 think that's why they're in parentheses. They were all  
2 in that meeting.

3 Q. So did you ever observe Ms. O'Dell being treated  
4 differently because of her race?

5 A. Not that I can recall.

6 Q. What was her race?

7 A. I don't want to assume her race, but she wasn't  
8 white.

9 Q. Okay. It strikes me as strange that -- you were  
10 a new hire in February of 2020, is that right?

11 A. Correct, to the Kansas City location.

12 Q. And you didn't know any of these people before  
13 you started in January of 2020; is that right?

14 A. Correct.

15 Q. Did it strike you as odd that these employees  
16 are bringing their concerns to you, and then you felt the  
17 need to bring them to someone else?

18 A. There was somewhat of, like, a hostile work  
19 environment, and they expressed to me that they were  
20 happy I was there because I was going over to the  
21 warehouse very often, that I could, kind of, be that  
22 communication bridge for them. Because there was a time  
23 where they were actually banned from communicating to the  
24 warehouse.

25 Q. So why do you believe that they were expressing

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1 hostile work environment was a supervisor breaking a  
2 handbook?

3 A. Well, on multiple occasions they would observe  
4 white employees working on, like, homework during work  
5 hours, and Marc knew about it and, you know, there would  
6 be no consequence to it. There was --

7 Q. Marc who?

8 A. The manager of the Franchise Systems.

9 Q. So Marc Sayler, is that who you are referring  
10 to?

11 A. Correct.

12 Q. And that's S-a-y-l-e-r. Are you saying he's the  
13 direct supervisor that broke the handbook?

14 A. No. He was -- he would -- well, he would -- he  
15 would -- I would walk into a room and he walked into a  
16 room knowing that an employee was working on her  
17 schoolwork on the computer, on the company computer  
18 during company time, and didn't do anything about it, and  
19 other employees knew about that too.

20 Q. Okay. Who was that employee?

21 A. Skye. If not Skye, it was her -- there was two  
22 girls, and I don't remember the other one's name. So if  
23 it wasn't Skye, it was the other one. But it was one of  
24 those two.

25 Q. Well, Paragraph 24 mentioned Skye being in the

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1 these concerns to you as opposed to someone else?

2 MR. STALLWORTH: Objection, speculation.

3 You can answer, if you know.

4 A. I'm unsure.

5 Q. (BY MR. PORTO) And are you stating that all of  
6 the employees identified in Paragraph 24 believed that  
7 there was a hostile work environment?

8 A. Correct.

9 Q. Okay. Tell me about the nature of the hostile  
10 work environment.

11 A. Well, they witnessed their direct supervisor  
12 breaching company handbook with no consequence. They  
13 weren't allowed to speak to the warehouse  
14 representatives, which made it very hard to communicate  
15 for the franchisees.

16 And based on, you know, the nature of, like,  
17 Thomas' complaint to me and seeing, you know, the racist  
18 meme being sent to him, they just didn't feel comfortable  
19 that their direct supervisors would handle it  
20 appropriately.

21 So they wanted to reach out to HR, which only  
22 existed through Luke at the other location. And because  
23 I was going there often, I would relay that information  
24 for them.

25 Q. You said that -- part of your description of the

55

1 meeting where you're discussing discrimination concerns  
2 by your peers, including Skye. So does Skye have a  
3 discrimination concern?

4 A. She had her own separate complaints. I don't  
5 know whatever became of those. But she never came to me  
6 directly. She was just involved in that meeting and did  
7 express her own concerns, but I am not aware of what they  
8 were.

9 Q. Okay. Do you know Skye's last name?

10 A. I don't.

11 Q. Okay. So who is the supervisor that broke the  
12 handbook?

13 A. Well, the structure of it, I'm still not really  
14 exactly sure. But there was the business representative.  
15 So all these people that are listed in 24, they had more  
16 of, like, a supervisory person that, kind of like, led  
17 their team. And then the development manager, that might  
18 not be her exact title, Kathi Miley, her and Kathy were  
19 in a relationship.

20 So fraternization. They were in a relationship.

21 So it was considered, to them, fraternization, which they  
22 believed wasn't right, and that went without  
23 consequence -- and yeah.

24 Q. Okay. So you just said a lot there. But I  
25 just -- I want the identity -- when I asked you about a

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1 convention?

2 A. I was.

3 Q. And was part of your job responsibility to  
4 present your PowerPoint at the convention?

5 A. It was.

6 Q. And did you understand that to be an important  
7 part of your job?

8 A. Yeah, and a good opportunity.

9 Q. Tell me what you believe your responsibilities  
10 were, with respect to that PowerPoint.

11 A. I knew that it needed to be done by the time I  
12 was to get up and present it after I got all the  
13 information that I needed.

14 Q. Who told you that?

15 A. That's -- I'm aware of that's what it was.

16 Q. And who told you that?

17 A. Who told me what?

18 Q. Who told you your responsibilities with respect  
19 to the PowerPoint?

20 A. Marc Sayler.

21 Q. Did Mr. Sayler ever ask you to see a draft of  
22 the PowerPoint in the weeks ahead of the convention?

23 A. He would -- he would check in with me and, kind  
24 of, ask, like, how far along I was, and things of that  
25 nature. But I would express that, you know, it's not

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1 with Mr. Sayler regarding the PowerPoint before the trip  
2 in Las Vegas.

3 A. It's hard to recall every single one. But he  
4 asked me if I would be interested in presenting. I said,  
5 "Yes." He basically gave me, like, the topic that I  
6 needed to go through. And I said, "Okay." And then  
7 there would be a couple sporadic check-ins that I would  
8 get about, you know, the status of it.

9 And then while traveling to Vegas, I grabbed the  
10 wrong laptop. I grabbed my personal and forgot my work  
11 laptop, in which I expressed to him when I saw him in  
12 Vegas, and he had already heard about it and he just,  
13 kind of, laughed it off, and it was, like, really fun  
14 kind of moment. He said, "You know what? Don't worry  
15 about it. It's not that big of a deal."

16 But I did -- I worked really hard to get it, to  
17 get it sent to me from Vegas, and it did get sent to me  
18 from Vegas (sic). And then the next day, after him  
19 telling me not to worry about it, we'll figure it out,  
20 it's all -- it's all good, he, kind of, asked me again,  
21 like, six -- five or six hours before the presentation,  
22 you know, which I had plenty of time to finish, and I was  
23 going to get the information that I needed.

24 He seemed very opposite of the previous night,  
25 disgruntled, condescending and said, "Well, then I'll

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1 done yet, but I still needed more information to obtain  
2 from the franchisees in order for it to be complete.

3 Q. Did Mr. Sayler ask you to see a draft of it  
4 10 days before the convention?

5 A. He -- it was a more of an informal check-in on,  
6 like, the status of it.

7 Q. Did he ask to see it?

8 A. No.

9 Q. Mr. Sayler never asked you to e-mail him a copy  
10 of the PowerPoint or go through it with you, or anything  
11 like that?

12 A. Upon completion of it, he did.

13 Q. Prior to going to the convention?

14 A. Like I said before, it was more of, like, a  
15 check-in to see, like, the status of it. And when I  
16 expressed that it wasn't finished yet, because I had  
17 information that I needed to obtain while at the  
18 conference, it wouldn't be completed.

19 Q. Was Mr. Sayler your ultimate supervisor at  
20 Shaman Franchise?

21 A. Yes. So I feel I had --

22 Q. Talk to me -- go ahead.

23 A. So I feel I had multiple. I looked up -- you  
24 know, I looked at Vince and Joel also as supervisors.

25 Q. Tell me about every conversation you ever had

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1 just do it." I said, "Okay," that he could do it. And  
2 that's about everything that we talked about it when it  
3 comes to that.

4 Q. So you don't deny that the PowerPoint was not  
5 complete by the time you arrived in Las Vegas; is that  
6 correct?

7 A. By the time I arrived in Vegas, I had a couple  
8 more pieces that I needed to obtain from franchisees.  
9 But it would have been complete by the time I needed to  
10 present it.

11 Q. It wasn't complete by the time you arrived in  
12 Las Vegas; is that correct?

13 A. It was.

14 Q. But you just said you had a couple more items to  
15 complete.

16 A. To make it more of, like, a collective, like,  
17 conversation amongst everybody. I mean, the logistical  
18 points that we wanted to get across were done.

19 Q. But you had additional work that you wanted to  
20 put into PowerPoint when you got to Las Vegas, correct?

21 A. Correct.

22 Q. And was it your understanding that the  
23 PowerPoint was to be done before you ever went to  
24 Las Vegas?

25 A. No.

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1 Q. Was it your understanding that you were supposed  
 2 to bring the PowerPoint with you to Las Vegas?  
 3 A. Correct.  
 4 Q. And you failed to do that, right?  
 5 A. It was an honest mistake. I grabbed the wrong  
 6 laptop. But I – I got –  
 7 Q. I'm not saying it was not an honest mistake.  
 8 I'm saying, was that a mistake?  
 9 A. Can you repeat the question?  
 10 Q. Was it a mistake to not bring your laptop to  
 11 Las Vegas?  
 12 A. No.  
 13 Q. It was not a mistake to not -- were you being  
 14 paid to create the PowerPoint?  
 15 A. I was being paid, but it wasn't a mistake --  
 16 Q. And you were being paid --  
 17 A. – because I got the laptop.  
 18 Q. And you were being paid to present this  
 19 PowerPoint in Las Vegas, correct?  
 20 A. Correct.  
 21 Q. Part of that responsibility involved bringing  
 22 the laptop to Las Vegas, correct?  
 23 A. Correct.  
 24 Q. And you failed to bring the PowerPoint to  
 25 Las Vegas, correct?

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1 into it, and then e-mail me the files.  
 2 Q. So you hired a locksmith to go to  
 3 Mr. Zicarelli's home and pick the lock?  
 4 A. To get inside, yes. Because Stephen and I were  
 5 in Vegas, so we couldn't let him in.  
 6 Q. So you were with Mr. Zicarelli in Las Vegas?  
 7 A. Sorry?  
 8 Q. You were with Mr. Zicarelli in Las Vegas?  
 9 A. He was a part of the business conference. He  
 10 was there.  
 11 Q. Did you acknowledge any wrongdoing with respect  
 12 to requiring Mr. Mancillas to go to your apartment to  
 13 assist a locksmith in picking the lock to deliver this  
 14 PowerPoint to you in Las Vegas?  
 15 A. Can you repeat the question?  
 16 MR. PORTO: Go ahead and read that back,  
 17 if you would.  
 18 (The question was read back by the  
 19 reporter as follows: QUESTION: "Did you acknowledge any  
 20 wrongdoing with respect to requiring Mr. Mancillas to go  
 21 to your apartment to assist a locksmith in picking the  
 22 lock to deliver this PowerPoint to you in Las Vegas?")  
 23 A. No.  
 24 Q. (BY MR. PORTO) You think that was perfectly  
 25 within your normal job responsibilities?

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1 A. It ended in Vegas with me.  
 2 Q. This will be -- that's fine. Did you bring the  
 3 PowerPoint to Las Vegas when you got on the plane?  
 4 A. Initially, no.  
 5 Q. Okay. And it's your testimony that the first  
 6 time Mr. Sayler -- this was brought to Mr. Sayler's  
 7 attention, he laughed it off?  
 8 A. Yeah. We were on a party bus getting ready to  
 9 go out with a group of us and he did laugh it off.  
 10 Q. And then the next day, Mr. Sayler was upset?  
 11 A. Yes.  
 12 Q. Tell me how you were able to -- so the laptop  
 13 was on a computer back in Kansas City; is that right?  
 14 A. Correct.  
 15 Q. And you were in Las Vegas?  
 16 A. Yes.  
 17 Q. And was this computer located at Mr. Zicarelli's  
 18 home where you resided?  
 19 A. Yes.  
 20 Q. Tell me about the circumstances how you were  
 21 able to get the PowerPoint to you in Las Vegas?  
 22 A. With the help of Luke, who stayed back in  
 23 Kansas City and did not come, I paid for a locksmith,  
 24 with Mr. Zicarelli's permission, and while giving Luke  
 25 permission to enter the house, to obtain the laptop, get

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1 A. He offered to help.  
 2 Q. What time of day was that at?  
 3 A. It was -- I mean, I let him know -- he got  
 4 involved initially because I was going to contact IT to  
 5 see if there was a way to get on the server remotely, but  
 6 that wasn't an option.  
 7 So then he offered, you know, "Is there anything  
 8 else I can do?" And I just -- I thought, well, if you  
 9 want to go by there and grab it, open it up really fast  
 10 and send me the files, that would be fine, and he agreed.  
 11 Q. What time of day was that at?  
 12 A. I can't recall. It was after I landed in Vegas,  
 13 either that evening or the very next morning.  
 14 Q. Was it during Mr. Mancillas' work day?  
 15 A. I can't recall.  
 16 Q. Do you know if Mr. Mancillas was on the clock?  
 17 A. I don't know.  
 18 Q. Do you think that was an efficient use of  
 19 Mr. Mancillas' time to go break into someone's apartment  
 20 with a locksmith and e-mail you this laptop?  
 21 A. He offered. I mean, I wasn't aware of his work  
 22 schedule.  
 23 Q. This all could have been avoided had you just  
 24 done what you were required to do and bring it to -- with  
 25 you to Las Vegas, right?

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1 MR. STALLWORTH: Objection. Calls for  
2 speculation, argumentative. You can answer, if you know.

3 A. I don't know.

4 Q. (BY MR. PORTO) You don't know if Mr. Mancillas  
5 e-mailing you the PowerPoint could have been avoided had  
6 you done what you were supposed to do and bring it to  
7 Las Vegas?

8 A. I don't know.

9 Q. You don't deny that you were supposed to bring  
10 the PowerPoint to Las Vegas, right?

11 A. No.

12 Q. You also don't deny that you had additional work  
13 to do on the PowerPoint in Las Vegas?

14 A. Finishing touches, yes.

15 Q. Tell me where you were when you finally received  
16 the PowerPoint from Mr. Mancillas.

17 A. I was in my hotel room.

18 Q. Who were you in the hotel room with?

19 A. Myself.

20 Q. Okay. What did you do upon receiving it?

21 A. Immediately got to work.

22 Q. At some point, did you show it to Mr. Sayler?

23 A. We never got to that point until he told me he  
24 was going to do it.

25 Q. Did you tell Mr. Sayler it wasn't done?

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1 A. Yes.

2 Q. And you ultimately did not give that  
3 presentation, correct?

4 A. Marc told me he was going to do it, and I agreed  
5 that he could do it.

6 Q. Part of your responsibilities were also to  
7 finish the PowerPoint; is that right?

8 A. Yes.

9 Q. And you never finished it, correct?

10 A. It was ready to be presented. It would have  
11 been ready to be presented at the time that it needed to  
12 be presented.

13 Q. So it wasn't ready, right?

14 A. It was ready, because it could have been  
15 presented without the information that I needed. I just  
16 wanted to -- for it to be perfect. I'm kind of a  
17 perfectionist. So the little details I wanted to add  
18 were just to add some character in, you know, a very fun  
19 presenting environment with the people that I was going  
20 to be, you know, giving the presentation to.

21 So the logisticals behind what he wanted the  
22 presentation to be about was complete. I just was  
23 putting my own little swing on it to make it fun, since I  
24 was the one that's going to be presenting it.

25 But it would have been ready to go by the time I

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1 A. I just expressed that there was a couple of  
2 things that I wanted to add to it, but I would be ready  
3 to present at the time that it needed to be presented.

4 Q. Did Mr. Sayler express his frustration with you  
5 for the fact that it was not completed?

6 A. He did, which was confusing because the previous  
7 night he told me not to worry about it, and that it  
8 wasn't a big deal.

9 And thus far in my employment with this company  
10 I was not micro-managed at all. I worked very  
11 independently. So it wasn't odd for me to feel as though  
12 I could continue working independently without  
13 consequence because they liked everything I did thus far.

14 So after he expressed not to worry about it, I  
15 figured I would just be able to do what I was going to do  
16 and present it at the time it needed to be presented.

17 Q. Where were you staying in Las Vegas?

18 A. Caesar's.

19 Q. Who paid for that?

20 A. American Shaman, I assume.

21 Q. Did American Shaman also pay for your travel to  
22 Las Vegas?

23 A. Yes.

24 Q. And part of your responsibilities in Vegas were  
25 to give this presentation, correct?

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1 was ready to present, yes, without me adding the extra  
2 details.

3 Q. But you, being a perfectionist, you never gave  
4 it your final stamp of approval, did you?

5 A. Sorry?

6 Q. You, being a perfectionist, you never gave it  
7 your final stamp of approval; is that correct?

8 A. No.

9 Q. Were you satisfied with your efforts in not  
10 bringing this to Las Vegas?

11 A. Can you repeat that?

12 Q. Were you satisfied with your efforts in not  
13 bringing this to Las Vegas?

14 A. I guess I don't understand the question.

15 Q. Did you think it was a mistake to not bring the  
16 laptop to Las Vegas?

17 A. No. Especially after Marc told me not to worry  
18 about it the next day.

19 Q. Well, if you didn't think it was a mistake, why  
20 did you hire a locksmith to go pick the lock at  
21 Mr. Zicarelli's apartment?

22 A. I thought it was the right thing to do.

23 Q. Did you think it was right -- okay.

24 A. I had worked -- I mean, I had worked on it up  
25 until that point.

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1 A. No.  
 2 Q. Okay.  
 3 MR. PORTO: I want to take a quick break.  
 4 I have just a few more questions.  
 5 (Off the record at 10:56 a.m. until  
 6 11:02 a.m.)  
 7 Q. (BY MR. PORTO) Ms. Pina, before you went to  
 8 Las Vegas, you communicated with Mr. Sayler regarding the  
 9 presentation. You testified to that earlier, correct?  
 10 A. He would check in occasionally, yes.  
 11 Q. Would he check in by e-mail or in person?  
 12 A. Both.  
 13 Q. Did you check in with anyone else -- did you  
 14 discuss the PowerPoint with anyone else besides  
 15 Mr. Sayler before going to Las Vegas?  
 16 A. I can't recall. Possibly, just, you know,  
 17 talking about, you know, what I was doing or, you know,  
 18 nothing specific.  
 19 Q. You said that the first time you'd spoke with  
 20 Mr. Sayler in Las Vegas was on a party bus; was that  
 21 right?  
 22 A. Correct.  
 23 Q. Were you partying?  
 24 A. I had just gotten there, because we were part of  
 25 the flight I got in late. So that was the first time I

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1 had stepped out in Vegas.  
 2 Q. Were you drinking?  
 3 A. Not at that point.  
 4 Q. Was Mr. Sayler?  
 5 A. My --  
 6 Q. The party bus implies a party, right?  
 7 A. Correct. But I'm -- I'm unsure of what he was  
 8 doing previous to me being there.  
 9 Q. Was it kind of a jovial environment with the  
 10 team in Las Vegas on the bus?  
 11 A. There weren't drinks allowed on the bus, so  
 12 there was no alcohol around.  
 13 Q. You were terminated by Shaman Franchise on  
 14 February 18th, 2020; is that correct?  
 15 A. I don't recall the exact date.  
 16 Q. You were terminated though?  
 17 A. Yes.  
 18 Q. Who terminated you?  
 19 A. Luke Mancillas handed me a severance.  
 20 Q. Did you sign the severance?  
 21 A. I did not.  
 22 Q. When Mr. Mancillas came to you with the  
 23 severance, were you then later terminated?  
 24 A. I assume that it came hand-in-hand. But I did  
 25 stick around for a while to hopefully get a meeting with

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1 Vince, which I was told I was going to be able to have.  
 2 Q. So was Mr. Mancillas the person who terminated  
 3 you?  
 4 A. He was the one that handed me the severance, but  
 5 he expressed that it wasn't his doing and he tried to  
 6 reverse it and that he was sorry.  
 7 Q. Where did this meeting happen at?  
 8 A. Sorry?  
 9 Q. Where did this meeting happen at?  
 10 A. At the warehouse.  
 11 Q. Okay. Was anyone else present?  
 12 A. Not that I can recall.  
 13 Q. Did you and Mr. Sayler ever discuss this  
 14 PowerPoint incident back in Kansas City after the trip to  
 15 Las Vegas?  
 16 A. No. That was the last time I spoke to him when  
 17 I saw him and he said he was going to do the PowerPoint.  
 18 Q. You stated that you asked for a meeting with  
 19 Vince; is that right?  
 20 A. Correct.  
 21 Q. Who did you ask that of?  
 22 A. Luke -- well, the meeting the day before Vegas  
 23 that we had, we were promised that we would all get a  
 24 meeting with Vince after -- after the Vegas meeting. So  
 25 I was assuming that that meeting was going to happen

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1 still. And it was supposed to be at --  
 2 Q. Are you stating -- go ahead.  
 3 A. So we had asked for the meeting with all of us  
 4 with Vince that day. But after I was terminated, I still  
 5 requested to speak to Vince.  
 6 Q. What did you want to speak to Vince about?  
 7 A. Well, at that point, I wanted to talk to him  
 8 about me being fired and express to him that I am still  
 9 an asset and that there has been a huge misunderstanding.  
 10 Q. What was the misunderstanding?  
 11 A. Well, I wasn't given a reason as to why I was  
 12 fired, and then was told by the, then, company attorney  
 13 that I didn't need a reason. So I was just looking to  
 14 find information.  
 15 Q. So the misunderstanding was, was that you didn't  
 16 know the reason you were being terminated?  
 17 A. Correct.  
 18 Q. Who told you you didn't need a reason?  
 19 A. I cannot remember what his name is, but he was  
 20 the attorney at the time for American Shaman.  
 21 Q. Did anyone ever tell you that the reason you  
 22 were being terminated was associated with your misconduct  
 23 in Las Vegas?  
 24 A. No.  
 25 Q. Did you ever associate your termination with

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1 your misconduct in Las Vegas?

2 A. No.

3 Q. So it sounds to me like you wanted to have a  
4 second -- or I guess a meeting for a second purpose with  
5 Mr. Sanders, and that was to discuss your reasons for  
6 termination?

7 A. No. I wanted to, first, discuss the issues of  
8 discrimination that I brought to Luke's attention by my  
9 peers, which was the most important thing. That we were  
10 already supposed to have a meeting. It was scheduled and  
11 everything. It was supposed to be at 3:00. I followed  
12 up with Luke. I was -- I was persistent about that.

13 Q. This was after you got back from Las Vegas?

14 A. While I was traveling back, or like -- yeah,  
15 that morning maybe. I texted him and asked him, like,  
16 what time the meeting was and he said, 3:00 -- 3 o'clock,  
17 or something like that.

18 Q. And was this supposed to take place before you  
19 were terminated?

20 A. Yes. This is the meeting that was going to  
21 involve all of the employees that were going to bring  
22 their issues to Vince himself.

23 Q. But did -- my question is, did you expect to  
24 have another meeting regarding the reasons for your  
25 termination, because you said there was a

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1 Because I waited around for a couple hours and he never  
2 showed up, and then that's when they said that he had  
3 left, and that I wasn't allowed to have a meeting with  
4 him.

5 Q. So this is before you were terminated, right?

6 A. No. This took place after.

7 Q. You stayed for a couple hours after you were  
8 terminated?

9 A. Well, because I was told I would be able to meet  
10 with Vince. I was -- it was -- I was under the  
11 impression I was going to go still meet with him up until  
12 abruptly they said no, he left, and that I couldn't. So  
13 I -- the whole time I was there, I was under the  
14 impression I was waiting for him.

15 Q. Well, so I'm confused because your Second  
16 Amended Complaint says, "Plaintiff was told she could not  
17 meet with the CEO," but now you're stating that you  
18 believe that you were meeting with him. Which is true?

19 A. They said that I could meet with him, and then I  
20 waited around. I got paperwork together and was going to  
21 present to him just everything I've done, show him how I  
22 have been of value to this company, and just try to at  
23 least have him hear my side of the story.

24 And then I was told abruptly I could not meet  
25 with him. So I was supposed to have the meeting with all

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1 misunderstanding?

2 A. Correct.

3 Q. So was there two meetings with Mr. Sanders that  
4 you expected, or one?

5 A. Two.

6 Q. Okay. So what meeting was supposed to be with  
7 the group, and then you wanted to have another individual  
8 meeting with Mr. Sanders?

9 A. After I received my severance, yes.

10 Q. Are you -- are you stating you did receive a  
11 severance?

12 A. He handed me a severance.

13 Q. But you never -- you did not accept that, right?

14 A. I never signed it, no.

15 Q. Did you ask for a meeting with Mr. Sanders  
16 regarding the reasons for your termination?

17 A. Yes.

18 Q. Who did you ask that of?

19 A. I texted him personally.

20 Q. Did he respond?

21 A. He did not.

22 Q. In Paragraph 37 of your Second Amended Complaint  
23 it says, quote, "Plaintiff was told that she could not  
24 meet with the CEO." Who told you that?

25 A. I want to say the lawyer and then Luke again.

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1 of my peers, and then I was also supposed to speak with  
2 him in regards to the termination.

3 Q. Part of your story with respect to your intended  
4 meeting with Mr. Sanders, includes a discussion of your  
5 side of the story with respect to the PowerPoint?

6 A. No.

7 Q. So after you were terminated by Mr. Mancillas,  
8 how long did you remain at the Shaman Franchise office  
9 for?

10 A. Maybe around an hour.

11 Q. You stated Mr. Mancillas terminated you at the  
12 warehouse, though, right?

13 A. That's -- well, see, I'm getting confused.

14 That's where I was the whole time. I never went back to  
15 Main Street.

16 Q. So you were terminated at 2405 Southwest  
17 Boulevard; is that right?

18 A. That's where he handed me the severance, yes.

19 Q. And you stayed there for an hour?

20 A. Yes. I was utilizing a computer and our printer  
21 there.

22 Q. Okay. What were you utilizing the computer for?

23 A. I had asked my peers to write a little -- like,  
24 a paragraph or two on my work performance, since they  
25 watched me, you know, every day, like, work. Just to

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1 kind of like go over my work ethic and some -- how  
 2 invaluable.

3 And they all sent e-mails to me that was for  
 4 him, or whoever, you know, might have been in the  
 5 meeting. So I was printing those out so that I could  
 6 have them to give to him.

7 Q. Do you still have those e-mails?

8 A. I do.

9 Q. Who wrote e-mails on your behalf?

10 A. Shea Horstman, Abraham, Olivia, and I -- there  
 11 was another, I think, but I can't recall. But I know  
 12 those three.

13 Q. So the evening of February -- you were  
 14 terminated on February 18th, 2020. That evening, were  
 15 you still residing with Mr. Zicarelli?

16 A. I was, but he let me know when I went back to  
 17 the residence that I had two weeks to get out. I think  
 18 out of respect for me he gave me two weeks. But, he --  
 19 yes.

20 Q. Why did Mr. Zicarelli say you had two weeks to  
 21 get out?

22 A. He knew that I didn't have any family or friends  
 23 in the area, and I think that he just didn't want to put  
 24 me out on the street. Decency.

25 Q. Okay. Was Mr. Zicarelli telling you that you

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1 A. AJ's.

2 Q. Is that in Hutchinson?

3 A. Yes.

4 Q. And when did you start there?

5 A. Like, spring of 2021.

6 Q. Can you define "spring" a little bit more?

7 A. April, maybe.

8 Q. April of '21?

9 A. Yeah. We were in a pandemic the whole year  
 10 prior.

11 Q. I remember the pandemic. So what was the first  
 12 job that you -- what was your first employment after  
 13 leaving Shaman?

14 A. AJ's.

15 Q. So you were unemployed from February of 2020 to  
 16 April of 2021?

17 A. Correct.

18 Q. And you were working on your media company?

19 A. Getting it started, yes.

20 Q. What was the name of your media company?

21 A. Called, Crude Media.

22 Q. And where did you form that at?

23 A. Hutchinson, Kansas.

24 Q. Is that an LLC? Crude Media, LLC?

25 A. Yes.

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1 could no longer live with him, like, related to you're no  
 2 longer working for Shaman Franchise?

3 A. No.

4 Q. It's just a coincidence that it happened the  
 5 same day as you were terminated?

6 A. Yes.

7 Q. Did you continue to reside with Mr. Zicarelli  
 8 for the following two weeks?

9 A. I can't recall. I might have gotten out sooner.

10 It was two years ago. It's hard to remember the exact  
 11 time frame.

12 Q. Where did you go from Mr. Zicarelli's apartment  
 13 when you left there?

14 A. I went back to Chastity's, where I was staying  
 15 prior to living with him, and then back to my hometown  
 16 shortly after that.

17 Q. When did you go back to Hutchinson?

18 A. March. End of February or March.

19 Q. Beginning when you left Shaman in February of  
 20 2020, tell me about your subsequent employment. What was  
 21 the first job you located?

22 A. I was bartending, waitressing and bartending at  
 23 a couple of local places. And I opened up a -- I started  
 24 a media company, so I created an LLC.

25 Q. Where were you bartending and waitressing at?

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1 Q. What kinds of things did Crude Media do?

2 A. We do marketing and digital multimedia services  
 3 for small and local businesses, artists and musicians.

4 Q. According to Kansas Secretary of State, Crude  
 5 Media was formed in August of 2020. Does that sound  
 6 about right?

7 A. Yes.

8 Q. By someone named Emilio Martinez?

9 A. Yes.

10 Q. Who is Emilio Martinez?

11 A. He's my business partner.

12 Q. Did you start working for Crude Media in August  
 13 of 2020?

14 A. Correct.

15 Q. So you were completely unemployed between  
 16 February of '20 and August of 2020?

17 A. Correct.

18 Q. Did you file for unemployment benefits regarding  
 19 your departure from a Shaman Franchise?

20 A. Yes.

21 Q. Did you receive unemployment benefits?

22 A. Yes.

23 Q. In Paragraph 54 of your Complaint, you state,  
 24 "Defendants' actions against Plaintiff have caused her  
 25 pain, anguish, anxiety and distress."